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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: James H. Werner et al.                      Docket No.: S-100,565  
Serial No.: 10/790,638                                      Examiner: Kara E. Geisel  
Filed : March 1, 2004                                      Art Unit: 2877  
For : HIGH THROUGHPUT SCREENING USING FLUOROPHORE LABELED  
LIPID MEMBRANES AND FLUORESCENCE CORRELATION  
SPECTROSCOPY

Assistant Commissioner for Patents  
Washington, DC 20231

**DECLARATION UNDER 37 CFR 1.132**

Sir:

I, Basil I. Swanson, hereby state:

THAT I am a coinventor of U.S. Patent Publication 2004/0171175 published September 4, 2004, a copy of which paper is attached hereto and forms a part of this Declaration;

THAT I, the undersigned, have reviewed the above identified published patent application;

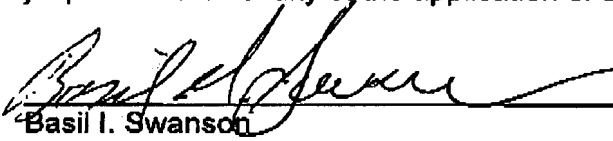
THAT I am one of the joint inventors of the apparatus described and claimed in the above identified U.S. patent application serial number 10/790,638, together with the other joint inventors James H. Werner and Scott M. Reed;

THAT to the extent the disclosure of the apparatus in U.S. Patent Publication 2004/017117 constitutes a disclosure of, or is material to the examination of, the apparatus claimed in U.S. patent application serial number 10/790,63, such disclosure of the apparatus is the joint invention and joint contribution of James H. Werner, Scott M. Reed, and myself;

THAT the other coinventors in U.S. Patent Publication 2004/017117, i.e. Clifford J. Unkefer, Jurgen G. Schmidt, John E. Shively, and Lin Li, were not involved in the conception of the presently claimed apparatus of U.S. patent application serial number 10/790,638;

THAT all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 8.28.07  
Basil I. Swanson Date